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EXAMINER	
REFAI, RAMSEY	

ART UNIT	PAPER NUMBER
2154	11H

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/823,769	Applicant(s) ANNADATA ET AL.
	Examiner Ramsey M Refai	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2 - 53 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2 - 53 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6.7.10-13
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 2-53 are presented for examination.

2. The Preliminary Amendment received on August 17, 2001 contains an incorrect Serial Number. "Serial No. 09/823,869" will be taken as "Serial No. 09/823,769". Please make appropriate corrections.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 47 – 48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a signal and render it non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2- 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo et al (U.S. Patent No. **5,805,886**) in view of Simmon et al (U.S. Patent No. **6,507,868**).

6. As per claim 2, Skarbo et al show an apparatus for communicating using a communication channel comprising:

a computer system capable of handling a communication with the communication channel by virtue of being capable of accessing information regarding the communication (Figure 2 and column 2, lines 35-52).

7. However, Skarbo et al fail to show the use of a communication server using a communication channel.

8. Simmon et al show a plurality of communication servers that communication using a plurality of wireless communication channels (abstract). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Skarbo et al and Simmon et al to create an apparatus for communicating using a communication server because it would provide a gateway that allows all nodes on the LAN access to its modems.

9. As per claim 3, Skarbo et al show an apparatus wherein

the communication is a command issued to the communication channel and the being capable of accessing the information comprises being capable of accessing information regarding the command (column 6, lines 5-40);

10. As per claim 4, Skarbo et al show an apparatus wherein the communication is an event received from the communication channel; and the being capable of accessing the information comprises being capable of accessing information regarding the event (column 2, lines 35-52 and column 6, line 64 – column 7, line 9).

11. As per claim 5, Skarbo et al show an apparatus comprising:

a database comprising an event record, wherein the event record comprises the information regarding the event (column 6, line 30- column 7, line 9).

12. As per claim 6, Skarbo et al show an apparatus wherein the configurable communication server is configured by performing one of adding the event record to the database, modifying the event record in the database, and deleting the event record from the database (column 7, line 10-45).

13. As per claim 7, Skarbo et al show an apparatus comprising:

at least one event handler (column 7, lines 5 – 8) and

wherein the event record comprises a name of one event handler of the at least one event handler for handling the event (column 6, lines 30-42); and

the configurable communication server uses the one event handler named in the event record for handling the event (column 7, line 5-8).

14. As per claim 8, Skarbo et al show an apparatus wherein

the database further comprises an event response record associated with the event record; and the configurable communication server is further capable of performing an event response by virtue of being capable of determining the event response by accessing the event response record associated with the event record (column 6, line 30-41).

15. As per claim 9, Skarbo et al show an apparatus wherein

the information regarding the event farther comprises information regarding an event response to the event; and the configurable communication server is further capable of performing the event response (column 6, line 30 – 42 and column 7, line 5 – 9).

16. As per claim 10, Skarbo et al show an apparatus wherein

the configurable communication server is capable of being coupled to a channel driver and the channel driver is coupled to the communication channel (column 3, line 23 – 33) such that the channel driver performs the communication with the communication channel (inherent because it is well know in the art that drivers handle communication with devices/channels).

17. As per claim 11, Skarbo et al show an apparatus wherein

the configurable communication server is coupled to the channel driver (column 3, line 23 – 33) such that the configurable communication server receives an event from the communication channel via the channel driver (column 7, line 5-9).

18. As per claim 12, Skarbo et al show an apparatus comprising:

a user interface comprising a user interface object capable of providing a notification of the communication, wherein the communication corresponds to receiving an event from the communication channel (column 4, lines 14 - 22).

19. As per claim 13, Skarbo et al show an apparatus comprising:

a user interface comprising a user interface object capable of being activated, wherein the configurable communication server is capable of sending a communication to the communication channel (column 4, lines 14 - 22) when the user interface object is activated (dependency function of Fig. 5).

20. As per claim 14, Skarbo et al show an apparatus wherein:

the being capable of sending the communication further comprises being capable of issuing a command to the communication channel (column 6, lines 5-40).

21. As per claim 15, Skarbo et al show a method for communicating comprising:

receiving an event from a communication channel; determining an event response by accessing information regarding the event; and performing the event response (column 2, lines 35-52 and column 6, line 64 – column 7, line 9).

22. As per claim 16, Skarbo et al show a method wherein

the determining the event response comprises accessing a database to determine the event response (column 6, line 30- column 7, line 9)..

23. As per claim 17, Skarbo et al show a method wherein

the performing the event response comprises providing a notification of the event via a user interface (column 4, lines 14 - 22).

24. As per claim 18, Skarbo et al show a method comprising:

receiving an activation of a user interface (dependency function of Fig. 5) object of a user interface, the user interface object being associated with a command; and issuing the command to the communication channel (column 6, lines 5-40).

25. As per claim 19, Skarbo et al show a method further comprising:

receiving an activation of a user interface (dependency function of Fig. 5) object of a user interface, the user interface object being associated with an event; and receiving the event from the communication channel (column 2, lines 35-52 and column 6, line 64 – column 7, line 9).

26. As per claim 20, Skarbo et al show a method for communicating comprising:

communicating with a communication channel; determining a response by accessing information regarding the communicating; and performing the response (column 6, line 30-41).

27. As per claim 21, Skarbo et al show a computer system comprising:

a storage system capable of storing computer instructions and data; a processing system capable of communicating using a communication channel comprising: a configurable communication server capable of handling a communication with the communication channel by virtue of being capable of accessing information regarding the communication; and wherein the computer instructions and data correspond to the configurable communication server (column 3, line 14 –42).

28. As per claim 22, Skarbo et al show a computer system wherein

the communication is a command issued to the communication channel; and the being capable of accessing the information comprises being capable of accessing information regarding the command (column 6, lines 5-40).

29. As per claim 23, Skarbo et al show a computer system wherein

the communication is an event received from the communication channel; and the being capable of accessing the information comprises being capable of accessing information regarding the event (column 6, lines 5-40).

30. As per claim 24, Skarbo et al show a computer system wherein the storage system further comprises:

a database comprising an event record, wherein the event record comprises the information regarding the event (column 6, line 30-41).

31. As per claim 25, Skarbo et al show a computer system wherein

the configurable communication server is configured by performing one of adding the event record to the database, modifying the event record in the database, and deleting the event record from the database (column 7, line 10-45). .

32. As per claim 26, Skarbo et al show a computer system wherein the processing system further comprises:

at least one event handler (column 7, lines 5 – 8);

and wherein the event record comprises a name of one event handler of the at least one event handler for handling the event (column 6, lines 30-42);

the configurable communication server uses the one event handler named in the event record for handling the event (column 7, line 5-8); and

the computer instructions and data further correspond to the at least one event handler (column 6, line 5-60).

33. As per claim 27, Skarbo et al show a computer system wherein

the information regarding the event further comprises information regarding an event response to the event; and the configurable communication server is further capable of performing the event response (column 6, line 30 – 42 and column 7, line 5 – 9).

34. As per claim 28, Skarbo et al show a computer system wherein

the database further comprises an event response record associated with the event record; and

the configurable communication server is further capable of performing an event response by virtue of being capable of determining the event response by accessing the event response record associated with the event record (column 6, line 30-41).

35. As per claim 29, Skarbo et al show a computer system wherein

the configurable communication server is capable of being coupled to a channel driver (column 3, line 23 – 33); and

wherein the channel driver is coupled to the communication channel such that the channel driver performs the communication with the communication channel (inherent because it is well know in the art that drivers handle communication with devices/channels).

36. As per claim 30, Skarbo et al show a computer system wherein

the configurable communication server is coupled to the channel driver (column 3, line 23 – 33) such that the configurable communication server receives an event from the communication channel via the channel driver (column 7, line 5-9).

37. As per claim 31, Skarbo et al show a computer system comprising:

a user interface comprising a user interface object capable of providing a notification of the communication, wherein the communication corresponds to receiving an event from the communication channel; and the computer instructions and data further correspond to the user interface (column 4, lines 14 - 22).

38. As per claim 32, Skarbo et al show a computer system comprising:

a user interface comprising a user interface object capable of being activated, wherein the configurable communication server is capable of sending a communication to the communication channel when the user interface object is activated (dependency function of Fig. 5) and the computer instructions and data further correspond to the user interface (column 4, lines 14 - 22).

39. As per claim 33, Skarbo et al show a computer system wherein

the being capable of sending the communication further comprises being capable of issuing a command to the communication channel (column 6, lines 5-40).

40. As per claims 34 - 46 and 49 – 53, they contain similar limitations as claims 2 – 33, therefore are rejected under the same rationale.

41. As per claim 47, Skarbo et al teach a signal embodied in a carrier wave comprising:

instructions to perform the method of claim 15 (column 3, line 21; inherent functions of a modem).

42. As per claim 48, Skarbo et al teach a signal embodied in a carrier wave comprising:

data to perform the method of claim 15 (column 3, line 21; inherent functions of a modem).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey M Refai whose telephone number is (703) 605-4361. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey M Refai
Examiner
Art Unit 2154

RMR
August 16, 2004